

PRO SE GUIDE

APPEAL PROCEDURES

FOR CHILD WELFARE APPEALS
IN THE UTAH COURT OF APPEALS

UTAH COURT OF APPEALS
Appellate Clerks' Office
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This packet is designed to give you basic information concerning the papers that need to be filed in your child welfare appeal. This information applies to the Court of Appeals unless otherwise indicated. You are responsible for learning about and following the procedures that govern the court process. Although the appellate clerks' staff can provide you with general information concerning court rules and procedures, they are prohibited from writing papers for you and from participating directly or indirectly in any action.

New procedures are in effect for appeals from juvenile court orders in child welfare proceedings. This includes abuse, neglect and dependency proceedings, termination of parental rights cases and adoptions. This does not include other cases within the jurisdiction of the juvenile court or adoptions in the district court. The new rules are designed to significantly reduce the time necessary for appeal to expedite permanency for children and families. The new rules make significant changes to the procedures and timelines for child welfare appeals entered on or after May 3, 2004. This page explains the new procedures and timelines for child welfare appeals and directs parties to additional information if necessary.

Where are these rules?

The rules governing child welfare appeals are found in the [Utah Rules of Appellate Procedure](#) and the [Utah Rules of Juvenile Procedure](#)

1. Notice of Appeal

Child welfare appeals are those taken from juvenile court orders related to abuse, dependency, neglect, termination and adoption proceedings, not orders relating to substantiation proceedings, delinquency proceedings or protective orders.

The Notice of Appeal is filed in juvenile court

Appellant = party who takes an appeal from one court to another

Appellee = party against whom appeal is taken

The Notice of Appeal must be filed within 15 days of the entry of the juvenile judgment or order appealed from. Requests for extensions of time to file notice of appeal must be filed in juvenile court and are granted by juvenile court judge only. No extension shall exceed 10 days past the prescribed time or 10 days from the date of entry of the order granting the extension, whichever occurs later.

Where are the pleadings filed?

Which parties must be served?

The original notice of appeal, which must be signed by counsel and the appellant, must be filed with the clerk of the juvenile court. Copies should be sent to all parties and/or attorneys who participated in the juvenile court proceedings. An informational copy should be sent to the clerk of the Court of Appeals.

The original Request for Transcript must be filed with the appeals clerk in the juvenile court. An informational copy is sent to the clerk of the Court of Appeals.

The original petition on appeal + 4 copies must be filed with the clerk of the Court of Appeals. Copies of the petition must be served on all parties from the juvenile court proceedings. The response, which is optional, requires the same number of copies and service as the petition.

When must the pleadings be filed?

Appellant must file the notice of appeal with the clerk in the juvenile court within 15 days of the entry of the juvenile court order. Appellant must file the request for transcript with the appeals clerk in the juvenile court within 4 days of the filing of the notice of appeal. The petition on appeal must be filed within 15 days of the filing of the notice of appeal. Any response must be filed within 15 days of the date of service of the petition + 3 days if service is done by mail (Utah Rule of Appellate Procedure 22(d)).

EVENT	DEADLINE	EXAMPLE: Juvenile Court Order entered 1/1/2005
File Notice of Appeal	15 days after entry of Juvenile Court order	1/15/2005
File Cross-Appeal	No later than 5 days after the Notice of Appeal is filed	
Request Transcript	4 days after Notice of Appeal filed	1/19/2005
File Petition on Appeal	15 days after Notice of Appeal filed	1/30/05
Filing of Response	15 days after Service	2/14/05

	of Petition filed	(+3 days if mailed)
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What happens after the petition is filed?

Once the petition and response (if any) are on file, and the entire record has been received by the clerk of the Court of Appeals, the case is submitted to a panel of 3 judges at the Court of Appeals. The panel quickly makes a decision as to whether full briefing is necessary, and if not, begins working on the decision. If full briefing is necessary, the parties will receive an order from the court with further instructions.

Filing Fees

1. A filing fee of \$205.00 is applicable in neglect/abuse/termination cases unless waived by the juvenile court judge based upon impecuniosity.
2. \$300.00 cost bond is required to be filed appeals at the time of filing the notice of appeal unless waived in writing by the adverse parties. Bonds filed may be in the form of cash or surety bond. If cash bond, monies deposited in the juvenile court's trust account during the pendency of the appeal.
3. Affidavit of Impecuniosity

Appellant may file a written statement of financial facts, signed by appellant and witnessed by a notary public. When this document is filed with the juvenile court, and approved by it, the appellant is allowed to file notice of appeal without payment of filing fee and cost bond.